

# Interstate Compact on the Placement of Children (ICPC)

Michigan Department of Human Services

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# What is the ICPC?

- The compact is a uniform law enacted in all 50 states, the District of Columbia, and the U.S. Virgin Islands.
- The compact establishes procedures for the interstate placement of children & assigns responsibilities for those involved in placing the child.
- The compact covers the placement of court wards & state wards that are neglected, abused & dependent children.
- Child, as defined by the ICPC, typically means under the age of majority (usually age 18).

# What is the ICPC (continued)

- The compact also covers delinquent children placed in all types of residential treatment facilities.
- Generally, anytime a Juvenile Court or Family Court sends or causes a child to be sent to another state, the law requires that the court follow the regulations of the ICPC.
- The compact assures that the safety, permanency, and well-being of each child placed through the compact is achieved.
- The compact mandates compliance with federal child placing laws, regulations and policies.

# Articles of the Interstate Compact

- The compact consists of 10 articles. Some of which are:
  - Article I - Purpose & policy of interstate placements.
  - Article III – Conditions for placement.
  - Article IV – Penalties for illegal placements.
  - Article V – Retention of jurisdiction.

# Articles of the Interstate Compact (continued)

- Article VI – Residential placement of delinquent children.
- Article VII – Empowers compact administrators with the authority to promulgate rules and regulations to carry out the terms and provisions of the compact.

# Regulations of the Interstate Compact

- Currently the compact has 10 supplemental regulations. Some pertinent regulations are:
  - Regulation 1 – Allows for the conversion of an already approved intrastate placement to become an approved interstate placement.
  - Regulation 7 – Priority placement outlines procedures for expedited placements.
  - Regulation 9 – Defines the purpose and intent of a visit.

# Article 1 – Purpose of Compact

- States cooperate with each other in the interstate placement of children so that...
  - Each child requiring placement shall receive the maximum opportunity to be placed in a suitable environment with a person or institution having appropriate qualifications and facilities to provide a necessary and desirable level and type of care.

# What Types of Placement Does the Compact Cover?

- Children may be sent to other states for placements that are:
  - Preliminary to an adoption.
  - For foster care, including foster homes, group homes, residential treatment facilities, & institutions.
  - With parents & relatives when a parent or relative is not making the placement.
  - For adjudicated delinquents needing placement in another state's institution.



# What Types of Placement Does the ICPC NOT Cover?

- Custody investigations.
- Friend of the Court investigations.
- Inter-country adoptions.
- Guardianship cases.
- Kidnapped children.
- Interstate Compact for Juvenile cases including
  - The return of runaways, escapees and absconders.
  - The return of AWOL youth.
  - The placement of adjudicated youths with parents or legal guardians in their state of residence.

# Who Must Use the Compact?

- “Sending agencies” when they “send, bring, or cause a child to be brought or sent” to a party state.
- These “sending agencies” are any of:
  - A state party to the compact, or any other officer or employee of the subdivision; (i.e., Michigan DHS.)
  - A subdivision, such as a county or city, or any officer or employee of the subdivision.
  - A court of a party state.
  - Any person (including parents or relatives in some instances), corporation, association, or charitable agency of a party state.

# What Safeguards Does the Compact Offer?

- Assures the sending agency that a home study is conducted and the proposed placement is evaluated for appropriateness.
- Assures that, under the new Safe and Timely Interstate Placement of Foster Children Act of 2006, home studies will be completed in a timely manner.
- Allows the prospective receiving state to ensure that the placement is not contrary to the interests of the child & that applicable state laws have been followed before the placement is approved.
- Guarantees the child legal & financial protection by assigning these responsibilities with the sending agency or individual.

# Safeguards ICPC Provides (continued):

- Ensures the sending agency does not lose jurisdiction over the child once the child moves to the receiving state.
- Provides the sending agency opportunity to get supervision & regular reports on child's adjustment & progress in placement.
- Provides access to services in receiving state for the child.

# Safe and Timely Interstate Placement of Foster Children Act of 2006 (Public Law 109-239)

- Requires all home studies to be completed within 60 days.
- Home studies not completed within 60 days may result in federal sanctions of Title IVE and Title IVB funds.
- Home studies completed within 30 days may receive federal incentive of \$1,500 per completed home study.

# Article IV - Violations of ICPC

- A placement not processed according to ICPC regulations is considered an illegal placement.
- Penalty for illegal placement:
  - “The sending, bringing, or causing to be sent or brought into a receiving state of a child in violation of the compact shall constitute a violation of the laws respecting the placement of children of both the state in which the sending agency is located or from which it sends or brings the child and of the receiving state.”

# Consequences of Violation (continued)

- Violations may be punished or subjected to penalty in either jurisdiction in accordance with law.
- In addition to liability for penalties, violation shall constitute full & sufficient grounds for the suspension or revocation of any license, permit, or other legal authorization held by the sending agency which empowers or allows it to place, or care for children.

# Types of Penalties & Remedies:

- In discussing violations, consider:
  - Whether compact was violated.
  - Who or what entity violated the compact.
  - What remedy was imposed as a result of the violation.
- Types of penalties:
  - Sanctions against individual violators.
  - Dismissal of adoption petitions.
  - Dismissal of previous placement orders.



# Article V – Retention of Jurisdiction

- Retention of Jurisdiction by the sending agency is *mandatory* until jurisdiction can be properly dismissed under ICPC.
- Sending agency continues to have financial responsibility for support & maintenance of the child during the period of placement.
- Jurisdiction can only be terminated if child is either:
  - Adopted.
  - Reaches age of majority.
  - Becomes self-supporting.
  - Is discharged with concurrence of the appropriate authority in the receiving state.

# Responsibilities of Local Sending Agency

- Prepare referral packets & forward to ICPC office.
- Retain custody/jurisdiction.
- Provide ongoing planning for the child.
- Maintain financial obligation:
  - IV-E eligibility and payments.
  - Foster family payment.
  - Medical payment.
  - Day care.
  - Counseling, if necessary.

# Responsibilities of Local Sending Agency (continued)

- Make travel arrangements to place the child (and return the child if necessary.)
- Assures placements are made legally per ICPC.
- When placement disrupts, becomes disapproved or denied, the sending state must immediately return the child to Michigan.

# Responsibilities of the Sending State's ICPC Office

- Reviews & forwards referral packet to receiving state.
- Assures compliance with both states' laws.
- Monitors placement status to ensure, at a minimum, quarterly progress reports.
- Resolves problems such as illegal placements, disrupted placements, and payment issues.
- Assures ongoing compliance with ICPC regulations.

# Responsibilities of Receiving State's ICPC Office

- Reviews & forwards referral to applicable supervising agency.
- Assures compliance with both states' laws.
- Approves or denies placement.
- Monitor placement status to ensure, at a minimum, quarterly progress reports.
- Resolves problems such as illegal placements, disrupted placements, and payment issues.
- Assures ongoing compliance with ICPC regulations.

# Responsibilities of Local Supervising Agency

- Complete the home study and make placement recommendations.
- Assure home study is completed in a timely manner per the Safe and Timely Interstate Placement of Foster Children Act.
- Supervise the placement.
- Complete quarterly reports.
- Ensure requested services are received.
- Notify ICPC office when problems occur.
- Recommend dismissal and case closure or return of child to sending state.

# Regulation 7 - Priority Placement

Priority Placement is court ordered in accordance with Regulation 7 of the ICPC:

- Aimed at achieving parity of treatment for interstate cases.
- Assures priority handling for certain types of cases.

# Regulation 7 - Priority Placement (continued)

- Children may qualify for priority placement under Regulation 7 if one or more of the following criteria are met:
  - The child is under 2 years of age.
  - The child is in an emergency shelter.
  - The child has spent a substantial length of time in the home of the proposed placement recipient.



# Regulation 9 – Definition of a Visit

A visit is not a placement within the meaning of the ICPC:

- A visit does not require ICPC approval.
- A visit is less than 30 days in duration.
- A visit does not require a home study.

# Recap

- The ICPC is a uniform law with consequences for violation.
- The ICPC covers placement and supervision of children placed in foster care, relative, parent, adoption and residential placements.
- The ICPC has requirements that mandate the retention of legal jurisdiction.
- The Interstate Compact for Juveniles is administered by the Bureau of Juvenile Justice.
- The Interstate Compact for Juveniles covers the placement of delinquent youths not placed in residential treatment facilities and the return of runaways, escapees and probation absconders.

# For More Information

- CFF Services Manual 931 and 932.
- Safe and Timely Interstate Placement of Foster Children Act of 2006 PL:109-239.
- Michigan Compiled Laws 3.711-3.717 (Interstate Compact Laws).
- DHS Interstate Compact office:
  - Dale Murray – (517) 373-6918 or by e-mail at [MurrayD2@Michigan.gov](mailto:MurrayD2@Michigan.gov)
  - Marlene Sawdy – (517) 373-7650 or by e-mail at [SawdyM@michigan.gov](mailto:SawdyM@michigan.gov)
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